

25505
SEC

SERVICE DATE - MAY 1, 1997

SURFACE TRANSPORTATION BOARD¹

DECISION

No. 41660

WITCO CORP.--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF AMERICAN FREIGHT SYSTEM, INC.

Decided: April 28, 1997

This proceeding arises out of the efforts of American Freight System, Inc. (respondent) to collect undercharges on certain shipments from shipper, Witco Corp. (petitioner). The matter is before the Board on referral from the United States Bankruptcy Court for the District of Kansas, in *American Freight System, Inc. et al. v. Witco Corp.*, Case No. 88-41050-11, Adv. No. 90-8037.

By decision served December 4, 1995, the ICC established a procedural schedule in this proceeding. Petitioner's opening statement was due on February 2, 1996.

By letter filed April 23, 1997, petitioner advised the Board that this proceeding has been settled and should be withdrawn. The request will be granted and the proceeding will be dismissed.

It is ordered:

1. This proceeding is dismissed.
2. This decision is effective on the service date.
3. A copy of this decision will be mailed to:

The Honorable James A. Pusateri
United States Bankruptcy Court for
the District of Kansas
One Metropolitan Square
204 U. S. Courthouse
444 Quincy
Topeka, KS 66683

Re: Case No. 88-41050-11, Adv. No. 90-8037

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ On December 29, 1995, the President signed the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICC Termination Act or the Act). Effective January 1, 1996, the Act abolished the Interstate Commerce Commission (ICC) and transferred various ICC functions to a newly created Surface Transportation Board (Board), including the resolution of issues in motor carrier undercharge proceedings, 49 U.S.C. 13709-13711.